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JAN 31 2006

Director's Office
Office of Patent Publication

In re Application of :
ZAVITSANOS, A. PAUL, et al. :
Application No. 10/768,044 :
Filed: February 2, 2004 :
Attorney Docket No. 10030226-1 :

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment (37 CFR 1.181), received in the United States Patent and Trademark Office (USPTO) on July 28, 2005.

The petition is **GRANTED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee and publication as required in the Notice of Allowance and Fee(s) Due, mailed January 28, 2005, which set a three (3) month statutory period for reply. The Notice of Abandonment was mailed on July 8, 2005.

Petitioner has submitted a copy of the Issue Fee Transmittal Form PTOL-85B (Transmittal), and a copy of a returned postcard, which acknowledges receipt of the Transmittal by the USPTO, on February 7, 2005, as evidenced by the Office Date stamp thereon.

MPEP 503 states the following:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

In view of the above, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn.

The issue fee in the amount of \$1,400 and \$300 for the publication fee were charged to Deposit Account No. 50-1078.

To prevent further abandonment of any future patent applications, when paying the issue fee and publication fee, if required, Petitioner is advised to include in the Deposit Account Number on the Fee(s) Transmittal form. See 37 CFR 1.311

The application will be forwarded to the Publishing Division to be processed into a patent.

Thomas E. Hawkins

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